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WASHINGTON, D.C. 20506

May 22, 1970

National Security Decision Memorandum 62

TO:           The Secretary of State  
              The Secretary of Defense  
              The Attorney General  
              The Secretary of Interior  
              The Secretary of Commerce  
              The Secretary of Transportation  
              The Director of Central Intelligence  
              The Chairman, Joint Chiefs of Staff  
              The Director, Bureau of the Budget  
              The Director, Office of Science and Technology  
              The Director, National Science Foundation  
              The Executive Secretary, National Marine Council

SUBJECT:   Convention on Continental Shelf and Seabeds

The President has decided that the U.S. Government shall adopt the following principles governing the use of the seabeds beyond the territorial sea as the basis for a proposed treaty or detailed proposals to be submitted at the next session of the UN Seabeds Committee:

1. Coastal states have sovereign rights over the seabed's natural resources out to a depth of 200 meters, and will not have such rights in the area beyond.
2. The entire area of the seabed and its natural resources seaward from the 200-meter depth is to be under the authority of an international regime, and shall be regarded as the common heritage of mankind. Exploration for and exploitation of natural resources shall be carried out for the benefit of mankind. International rules concerning pollution, liability, protection of navigation, work requirements, scientific research and other freedoms of the seas, settlement of disputes, expropriation and similar matters shall apply in the entire area. Internationally agreed royalties derived from mineral exploitation shall be disbursed to an international community fund, principally for the purposes of economic assistance to developing countries that are participants in the treaty. These royalties should be at a level that will make a substantial contribution to development, render participation

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in the treaty attractive to the necessary signatories, and at the same time encourage exploration and exploitation of natural resources of the seabeds.

3. Beyond the 200-meter depth and to the edge of the continental margin, including the continental rise, hereafter called the international "trusteeship zone," coastal states shall act as trustees of the international community, shall be authorized to license exploration and exploitation of seabed natural resources, and shall collect the international royalties. The coastal state shall receive a percentage of the international royalties collected in the zone in which it acts as trustee and may, in its discretion, collect additional royalties or taxes from producers in this area.
4. In the area seaward of the trusteeship zone, international machinery will be established to license and regulate exploration and exploitation of natural resources and collect the international royalties from this area.
5. In the trusteeship zone the authority of coastal states to license the exploration and exploitation of resources shall not impinge upon the rights of other states to conduct other activities, including scientific research. All uses of the area, including exploration and exploitation, must be exercised with reasonable regard for the interests of other users of the seabed and superjacent waters in accordance with the freedoms of the high seas.
6. Pending achievement of an international agreement on the lines outlined here, the U. S. will call on other nations to join her in an interim policy. All permits for exploration and exploitation of the seabeds beyond the 200-meter depth boundary will be issued subject to the international regime to be agreed upon, and that regime will include due protection for the integrity of investments made in the interim. A substantial portion of the revenues derived by a state from exploitation beyond 200 meters during this period should be turned over to an appropriate international development agency as soon as a sufficient number of other countries are prepared to do the same. Appropriate Congressional action should be sought to make such funds available.

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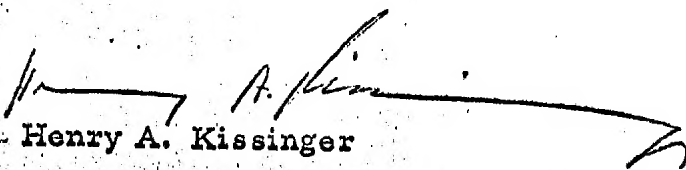
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7. Appropriate Congressional and other governmental action shall be proposed to assure that minerals exploited by United States nationals in the area of the seabed within the United States trusteeship zone as well as the area governed by international machinery would be treated as domestic minerals for tax and import purposes.

The Department of State will be responsible for preparing a detailed treaty proposal, negotiating positions, and the necessary legislative and regulatory measures in full coordination with the Departments of Defense and Interior.

There should be no discussion of this decision with the public or Congress, except as specifically authorized by this office, until the policy is announced shortly.

  
Henry A. Kissinger

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